California Regional Water Quality Control Board
North Coast Region
William R. Massey, Chairman

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Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

October 11, 2006

Mr. Bill Taggart
Trinity County Dept. of Transportation
P.O. Box 2490
Weaverville, CA 96093

Dear Mr. Taggart:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Trinity County DOT Rush Creek Road Culvert Repair Project

File: Trinity County DOT – Rush Creek Road Culvert Repair Project
WDID No. 1A06103WNTR

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341), in response to your request, on behalf of the Trinity County Department of Transportation (applicant), for Water Quality Certification for activities related to the Rush Creek Road culvert repair project located at Post Mile 7.1 in the vicinity of Lewiston, Trinity County (T34N, R9W, S27). On July 18, 2006, the Regional Water Board received your application and a $500.00 processing fee. On August 18, 2006, we deemed the application complete, and on September 13, 2006, we posted information describing the project on the Regional Water Board's website for a 21-day public review and comment period. We did not receive any comments on this project.

Project Description: The project involves an unnamed intermittent tributary to Rush Creek, which is a tributary to the upper main stem Trinity River, below the Lewiston Dam. The purpose of the project is to replace the headwalls of two culverts damaged during the January 2006 winter storm event, which subsequently caused the road embankment to fail. The headwalls of two culverts which drain to an unnamed tributary to Rush Creek, a tributary to Trinity River, will be replaced. The two culverts are 24-inch corrugated metal pipes with 20-inch diameter plastic liners. The pipes are intact; only the headwalls and the road embankment on the upstream side of Rush Creek Road were damaged in the storm event. The material removed from the channel on an

emergency basis, shortly following the failure, will be used for backfill in the construction of the headwalls. The two new headwalls, 8-inches thick by 3.5 feet wide and 8 inches around the pipe inlet, will be constructed of concrete poured into plywood forms. The concrete will be mixed on site in a portable hand mixer. The fill slope repair area is 3 feet high, measured from the top of the culvert to the elevation of the road shoulder. Approximately one cubic yard of streambed material will be removed to allow work space for the headwall construction. The project will take place during the dry season. If water is present in the stream, the applicant will divert the flow from one culvert to the other during construction activities. After one headwall is constructed, and the concrete is dry, the plywood form will be removed, and the diversion will be redirected to the completed culvert while the second culvert is being constructed.

Vegetation removal will involve one immature willow shrub and a few Himalayan blackberry vines. No other vegetation will be removed to access the site nor for construction activities. The applicant will use an excavator or backhoe, operating from upland areas, to perform all required excavation. The applicant proposes to use an area adjacent to the site to stockpile materials, to create a concrete washout and a percolation basin for groundwater, and to stage equipment. The lined concrete washout will be constructed by digging a depression 6 x 6 x 2 feet surrounded by a one foot berm, located in the flat upland area approximately 20 feet from the ordinary high water line. Concrete-laden water will be allowed to evaporate, and then the liner and concrete residue will be disposed of at a sanitary landfill. In addition, the applicant proposes to construct an unlined basin, 10 x 6 x 2 feet, approximately 10 feet from the channel. This unlined basin will be used to contain any groundwater that enters the excavation sites at the pipe inlets during the headwall construction. Water from the excavations will be allowed to infiltrate into the ground and the depression will be filled with native earthen material at the completion of the proposed project. The project activities will be performed between June 15 and October 15 in 2006 or 2007. Project activities will be conducted over the course of three weeks during low flow.

Receiving Waters: Douglas City Hydrologic Subarea No. 106.31.

Latitude/Longitude: 39.55N/-122.5230

Filled or Excavated Area:	Area Temporarily Impacted: 0.003 acre of unnamed intermittent channel Area Permanently Impacted: 0.0001 acres (2 headwalls)
Federal Permit:	United States Army Corps of Engineers Nationwide Permits 3 for *Maintenance* and 33 for *Temporary Construction, Access, and Dewatering*
Compensatory Mitigation:	None
Non-compensatory Mitigation:	Non-compensatory mitigation will include the use of Best Management Practices (BMPs) for heavy equipment operation and use of concrete near waterways and for sediment and turbidity control. Equipment will not enter the channel. Temporary floating absorbent booms will be placed across the culvert outlets or inside the culverts during the construction activities to contain accidental discharge of petroleum products. Known sensitive or listed species in the project area include Federally Threatened Southern Oregon/Northern California Coho salmon, Chinook salmon, western yellow-billed cuckoo, bald eagle, Pacific fisher, and Northern Spotted Owl. The applicant estimates that proposed project schedule and low flow conditions will avoid and minimize potential impacts for sensitive and listed species. The applicant has applied for a Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game.
CEQA Compliance:	The Trinity County Department of Transportation, as the lead agency for CEQA, determined that this project will have no significant effect on the environment, and is categorically exempt from CEQA (Article 19, Class 2, section 15302) for *Replacement or Reconstruction.*
Standard Conditions:	Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project: 1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 3867.

2) This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3) The validity of any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.

Additional Conditions: Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

1) The applicant shall notify the Regional Water Board in writing at least five working days (working days are Monday – Friday) prior to the commencement of the project, with details regarding the schedule of operations, to allow staff the opportunity to be present onsite and to answer any public inquiries that may arise regarding the project.

2) All conditions listed in this Water Quality Certification must be included in the Plans and Specifications prepared by the applicant for the Contractor. All conditions shall be implemented according to the submitted application and this Water Quality Certification.

3) A copy of this permit must be provided to the contractor and all subcontractors conducting the work, and a copy must be in their possession at the work site. It is the applicant's responsibility to ensure that the contractor and all subcontractors are provided a copy of this permit.

4) Adequate BMPs for sediment and turbidity control shall be implemented and in place prior to, during, and after construction in order to ensure that no silt or sediment enters surface waters.

5) If, at any time, an unauthorized discharge to surface waters occurs, or any water quality problem arises, the project shall cease immediately and Regional Water Board staff shall be notified promptly.

6) No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this permit, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State.

7) When operations are completed, any excess material or debris shall be removed from the work area and disposed of properly. No rubbish shall be deposited within 150 feet of the high water mark of any stream.

8) If construction dewatering is found to be necessary, the applicant will use a method of water disposal other than disposal to surface waters (such as land disposal) or the applicant shall apply for coverage under the General Construction Dewatering Permit and receive notification of coverage to discharge to surface waters.

9) Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the United States. At no time shall the applicant use any vehicle or equipment, which leaks any substance that may impact water quality.

10) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).

11) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.

12) All activities, BMPs, and associated mitigation will be conducted as described in this Permit and the application submitted by the applicant for this project.

13) This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the applicant, the applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address, and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also

describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order.

Water Quality Certification: I hereby issue an order [23 CCR Subsection 3831(e)] certifying that any authorized discharge from the Trinity County DOT, Rush Creek Road Culvert Repair Project, (Facility No. 1A06102WNTR) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 (" Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341 (a)(1)], and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration: The authorization of this certification for any dredge and fill activities expires on October 15, 2011. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify Diana Henrioulle of our staff at (707) 576-2350 prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine Kuhlman
Executive Officer

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Enclosure:
State Water Resources Control Board Order No. 2003-0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification"

cc: Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street, San Francisco, CA 94599
U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502
Mr. Oscar Balaguer, 401 Program Manager, Water Quality Certification Unit, SWRCB, 1001 I Street, 15th Floor, Sacramento, CA 95814